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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,778	03/18/2004	Seiji Harada	011350-327	4682
21839 7590 12/13/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER MCLEAN, NEIL R	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 12/13/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/802,778

Applicant(s)

HARADA, SEIJI

Examiner

Neil R. McLean

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/18/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 1, a "computer program" is being recited; however, computer program would reasonably be interpreted by one of ordinary skill in the art as software, per se. This subject matter is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. Software is a function descriptive material and a function descriptive material is non-statutory subject matter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama et al. (US 6,477,570).

Regarding Claim 1:

A program for causing a computer to execute a process comprising the steps of:

1) setting processing condition of a job (Job Reception Unit 201 in Figure 2; Column 8, lines 11-14, 38-40; Column 10, lines 20-23; Step S109 in Figure 4; Initialize Job Table; e.g., User's Request in Figure 5);

2) acquiring status information, which is information concerning the status of a job processing device that processes said job (Apparatus Information Acquisition Unit 204 in Figure 2; Column 8, lines 42-46; Column 19, lines 50-62);

3) judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (Optimum Planning Unit 206 in Figure 2; Column 8, lines 47-51, Column 9, lines 55-57);
and

4) notifying content of a judgment if it is judged that said job cannot be processed in step 3) (Execution Notification Unit 210 in Figure 2; Column 14, lines 16-30; Column 15, lines 5-21).

Regarding Claim 2:

A program as claimed in claim 1, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 3:

A program as claimed in claim 1, wherein in step 4), the content of a judgment (Column 14, lines 26-29) in step 3) is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 4:

A program as claimed in claim 1, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3 (Column 8, lines 55-57).

Regarding Claim 5:

A program as claimed in claim 1, wherein said status information is acquired from the job processing device for each job in step 2) (Refer to Figure 4: Column 10, lines 18-37; note: This process is repeated until all jobs are searched for).

Regarding Claim 6:

A program as claimed in claim 1, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51; Column 19, lines 50-52).

Regarding Claim 7:

A computer readable recording medium on which the program as claimed in claim 1 is recorded (The program code or device which performs the function described in claim 1).

Regarding Claim 8:

A job monitoring method comprising the steps of:

1) setting processing condition of a job (Job Reception Unit 201 in Figure 2; Column 8, lines 11-14, 38-40; Column 10, lines 20-23; Step S109 in Figure 4; Initialize Job Table; e.g., User's Request in Figure 5);

2) acquiring status information, which is information concerning the status of a job processing device that processes said job (Apparatus Information Acquisition Unit 204 in Figure 2; Column 8, lines 42-46; Column 19, lines 50-62);

3) judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (Optimum Planning Unit 206 in Figure 2; Column 8, lines 47-51, Column 9, lines 55-57); and

4) notifying content of a judgment if it is judged that said job cannot be processed in step 3) (Execution Notification Unit 210 in Figure 2; Column 14, lines 16-30; Column 15, lines 5-21).

Regarding Claim 9:

A job monitoring method as claimed in claim 8, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 10:

A job monitoring method as claimed in claim 8, wherein in step 4), the content of a judgment (Column 14, lines 26-29) in step 3) is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 11:

A job monitoring method as claimed in claim 8, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3) (Column 8, lines 55-57).

Regarding Claim 12:

A job monitoring method as claimed in claim 8, wherein said status information is acquired from the job processing device for each job in step 2) (Refer to Figure 4: Column 10, lines 18-37; note: This process is repeated until all jobs are searched for).

Regarding Claim 13:

A job monitoring method as claimed in claim 8, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51; Column 19, lines 50-52).

Regarding Claim 14:

A job monitoring device, comprising:

a setting unit for setting processing condition of a job (Job Reception Unit 201 in Figure 2; Column 8, lines 11-14, 38-40; Column 10, lines 20-23; Step S109 in Figure 4; Initialize Job Table; e.g., User's Request in Figure 5);

an acquiring unit for acquiring status information, which is information concerning the status of a job processing device that processes said job (Apparatus Information Acquisition Unit 204 in Figure 2; Column 8, lines 42-46; Column 19, lines 50-62);

a judging unit for judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job

processing device (Optimum Planning Unit 206 in Figure 2; Column 8, lines 47-51, Column 9, lines 55-57); and

a notifying unit for notifying content of a judgment if it is judged that said job processing is not executable (Execution Notification Unit 210 in Figure 2; Column 14, lines 16-30; Column 15, lines 5-21).

Regarding Claim 15:

A job monitoring device as claimed in claim 14, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 16:

A job monitoring device as claimed in claim 14, wherein said notifying unit causes the content of a judgment (Column 14, lines 26-29) to be displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 17:

A job monitoring device as claimed in claim 14, wherein change of the designated processing condition can be accepted if said judging unit judges that said job cannot be processed (Column 8, lines 55-57).

Regarding Claim 18:

A job monitoring device as claimed in claim 14, wherein said acquiring unit acquires the status information from the job processing device for each job (Refer to Figure 4: Column 10, lines 18-37; note: This process is repeated until all jobs are searched for).

Regarding Claim 19:

A job monitoring device as claimed in claim 14, wherein said acquiring unit acquires the status information received from the job processing device and stored in a storage unit in advance (e.g. Print Job Memory Unit 513 in Figure 51; Column 19, lines 50-52).

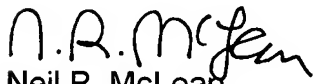
Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maki et al. (US 7,293,067) discloses network system in which the position, attribute, and status of a desired device on a network can visually comprehensibly be grasped. A server manages location information indicating information on the device position in a hierarchical manner and attribute information from the device. Each device holds a plurality of status information in accordance with various statuses of the device

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is 571.270.1679. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571.272.7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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12/08/2007


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